

**Arizona Supreme Court**  
**Criminal Death Penalty Appeal**

**CR-94-0454-AP**

**STATE OF ARIZONA v CHRISTOPHER JOHN SPREITZ**

**Appellate Case Information**

Case Filed: 29-Dec-1994

Case Closed: 21-Oct-1997

Reinstated x 1: 19-Aug-2020

Re-Closed:

**Dept/Composition**

**Side 1. STATE OF ARIZONA, Appellee**

(Litigant Group) STATE OF ARIZONA

- State of Arizona

**Attorneys for: Appellee**

Laura P Chiasson, Esq. (AZ Bar No. 19025)

Jon G Anderson, Esq. (AZ Bar No. 005852)

Andrew Dysart, Esq. (AZ Bar No. 33934)

Kristin K. Mayes, Esq. (AZ Bar No. 022584)

**Side 2. CHRISTOPHER JOHN SPREITZ, Appellant**

(Litigant Group) CHRISTOPHER JOHN SPREITZ

- Mr Christopher J Spreitz

**Attorneys for: Appellant**

David Alan Darby, Esq. (AZ Bar No. 12682)

Sean H Bruner, Esq. (AZ Bar No. 7296)

Timothy M Gabrielsen, Esq. (AZ Bar No. timothygabrielsen)

David J Euchner, Esq. (AZ Bar No. 21768)

Erin K Sutherland, Esq. (AZ Bar No. 27627)

**CASE STATUS**

Aug 19, 2020...Reinstated Case

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
PIM CR-27745	1st Degree Murder	Death	William N Sherrill, Trial		

**100 PROCEEDING ENTRIES**

- 29-Dec-1994 Notice of Appeal [Clerk, PCSC] [Judgment filed in PCSC 12/21/94] [sb]
- 5-Jan-1995 PCSC ME dated 1/4/94 - appointing Atty David Darby to represent defendant on appeal [sb]
- 2-Feb-1996 APPELLANT'S OPENING BRIEF [Spreitz] [T 4/2/96] [ct]
- 3-Feb-1995 \*\*\*\*\*Record on Appeal - PCSC: Instruments & MEs (combined - Vols 1-13); Presentence Report (1 manila env); 15 Orig RTs (6/2/89-GJ; 8/8/89; 4/1/91; 4/23/91; 5/2/91; 5/7/91; 5/16/91; 5/28/91; 7/29/91; 8/12/91; 9/9/91; 11/7/91; 4/6/92; 8/14/92; 11/28/94; 12/21/94); Exhibits (List; 1 manila env [Pltf Exh Nos 9-17, 23-35 48-50, 55-101, 103-108, 110-113, 124 [cassette tape], 148-159]; 1 manila env [Def Exh A]; 1 manila env [Def Exh Nos A, E, H]) 1 Orig RT (1/7/91 [Janet Thomas]) (See Docket No 3) [ct]
- 3-Feb-1995 Affidavit from Janet Thomas, Official Court Reporter, PCSC - No transcript for 1/9/91 - date should be 1/7/91 [ct]
- 6-Feb-1995 13 Orig RTs (1/26/93; 1/27/93; 1/28/93; 4/19/93; 4/20/93; 4/21/93; 4/22/93; 4/23/93; 4/28/93; 4/29/93; 6/1/93; 6/2/93; 6/3/93) [ct]
- 8-Feb-1995 7 Orig RTs (8/9/94; 8/10/94; 8/11/94; 8/12/94; 8/16/94; 8/17/94; 8/18/94) [ct]
- 9-Feb-1995 6 RTs (7/30/90; 8/1/90; 11/13/90; 12/3/90; 1/14/91; 11/21/94) 27 Orig RTs (6/30/89; 10/16/89; 12/11/89; 1/3/90; 1/24/90; 1/25/90; 3/6/90; 3/7/90; 3/27/90; 4/2/90; 4/16/90; 5/4/90; 5/24/90; 7/2/90; 4/1/91; 4/20/93; 4/21/93; 4/22/93; 4/23/93; 4/28/93; 4/29/93; 6/2/93; 6/3/93; 4/27/94; 6/3/94; 6/28/94; 7/6/94) [ct]
- 9-Feb-1995 Affidavit from Don L. Gautier, Official Court Reporter, PCSC - Did not report any proceedings on 7/3/91 [ct]
- 15-Feb-1995 1 Orig RT (8/10/89 [Cathy McDonald]) [ct]
- 17-Feb-1995 11 Orig RTs (9/14/92; 11/5/92; 11/9/92; 11/16/92; 11/19/92; 1/15/93; 2/17/93; 3/3/93; 3/19/93; 8/23/93; 10/4/93 [Evison]) [ct]
- 22-Feb-1995 2 Orig RTs (9/10/90; 9/11/90 [Haley]) [sb]

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13. 7-Mar-1995 Supplemental Record on Appeal - PCSC: Exhibits (List; 6 Manila Envs - Env #1 [Def Exh Nos A-Z]; Env #2 [Def Exh Nos AA-AZ]; Env #3 [Def Exh Nos BA-BQ]; Env #4 [Def Exh Nos BR-BZ, CA-CZ]; Env #5 [Def Exh Nos DA-DR, DR-1, DS, DS-1, DT-DZ]; Env #6 [Def Exh Nos EA-EV]; 1 Red/White Box located in Exh Room [Pltf Exh Nos 1-21, 23-81, 84-107, 112, 112A, 113-114, 129-230]) [sb]
14. 14-Mar-1995 12 RTs (6/14/91; 11/12/91; 11/13/91; 11/14/91; 11/15/91; 12/3/91; 12/4/91; 12/5/91; 12/17/91; 12/18/91; 1/13/92; 1/20/92 [Van Honeman]) [sb]
15. 20-Mar-1995 Letter from Court Reporter - No RT available for 9/6/90 as he was not reporter for that day [W. Bert Lundy, Official Court Reporter, PCSC] [sb]
16. 20-Mar-1995 1 Orig RT (6/12/89 [Sipos]); 2 RTs (9/17/90; 6/15/94 [Lundy]) [sb]
17. 23-Mar-1995 4 Orig RTs (6/3/91; 9/11/91; 6/22/92; 7/13/92) [sb]
18. 27-Mar-1995 1 RT (8/30/89 [Suter]) [sb]
19. 30-Mar-1995 1 Orig RT (1/3/95 [Lumia]) [sb]
20. 6-Apr-1995 1 Orig RT (11/26/90 [Conner]) [sb]
21. 28-Apr-1995 1 RT (11/5/90 [Levin]) RECORD COMPLETE [sb]
22. 5-May-1995 On the Court's own motion, ORDERED: assigning this matter for a pre-submission telephonic conference between Staff Attorney Lloyd Anderson and appellate counsel on Friday, June 9, 1995, beginning at 10:00 a.m. Counsel for Appellant shall make all arrangements for the conference call. Prior to the conference, counsel shall review the provisions of Rules 31.8 and 31.13, Ariz. R. Crim. P., 17 A.R.S. Matters to be discussed during the conference include the record on appeal and timetables for filing briefs. [Martone] [sb]
23. 12-Jun-1995 A telephonic conference having been held on June 9, 1995 between Staff Attorney Lloyd Anderson and appellate counsel pursuant to this Court's order dated May 5, 1995, ORDERED: that Appellant's Opening Brief shall be filed on or before November 3, 1995, that Appellee's Answering Brief shall be filed within 90 days of the date of filing of the Opening Brief, and that Appellant's Reply Brief shall be filed thereafter in accordance with Rule 31.13, Ariz. R. Crim. P., 17 A.R.S. [Corcoran] [ct]
24. 26-Sep-1995 Petition for Extension of Time to File Appellant's Opening Brief [Spreitz] [T 10/11/95] [ct]
25. 10-Oct-1995 The Duty Justice has considered the petition for extension of time to file Appellant's Opening Brief, and notes the objection by the state. ORDERED: granting the motion. The Appellant shall file his Opening Brief on or before February 2, 1996. The Court notes counsel's statement that he is "inexperienced in death penalty appeals, thus causing a gross underestimate of the time required for preparation of an opening brief . . ." As a result of this experience, the Court will consider Mr. Darby to be experienced enough to make appropriate estimates of time and to meet a schedule which is set by this Court regarding any future schedule for filing an opening brief in a death sentence case. FURTHER ORDERED: that Appellee's Answering Brief shall be filed within 90 days of the date of filing of the Opening Brief, and Appellant's Reply Brief shall be filed thereafter in accordance with Rule 31.13, Ariz. R. Crim. P., A.R.S. [Corcoran] [ct]
26. 2-May-1996 APPELLEE'S ANSWERING BRIEF [State] [T 5/28/96] [ct]
27. 3-Jun-1996 APPELLANT'S REPLY BRIEF [Spreitz] [ct]  
  
AT ISSUE
28. 4-Jun-1996 On the Court's own motion, ORDERED: the above-entitled and numbered matter will be argued to the Court on the next available hearing date. Counsel shall be advised of the date and time of oral argument at such time as the hearing date is determined. [Dessaint, Clerk] [ct]
29. 10-Oct-1996 NOTICE OF ORAL ARGUMENT - Set for Thursday, November 7, 1996, at 9:30 A.M. [20 minutes per side] [ls]
30. 1-Nov-1996 Supplemental Citation of Legal Authority [Appellee State] [rs]
31. 7-Nov-1996 ORAL ARGUMENT - Submitted for decision en banc [Attorneys who argued: Jon G. Anderson, Esq.; David Alan Darby, Esq.] [ls]
32. 11-Sep-1997 OPINION - Defendant's convictions and sentences affirmed [Jones] [jj]  
  
Opinion Distribution List
33. 30-Sep-1997 Motion for Reconsideration [Appellant Spreitz] [rs]

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34. 21-Oct-1997 ORDERED: Motion for Reconsideration = DENIED. [rs]  
-----Statistically Closed as of 10/21/97-----  
Mandate automatically stayed 90 days pursuant to Rule 31.23(b)(1)
35. 20-Jan-1998 Notice of Filing Petition for Writ of Certiorari to the United States Supreme Court [Appellant Spreitz] [rs]
36. 29-Jan-1998 USSC Notice dated 01/23/98 - Writ of Certiorari filed on 01/20/98 [Appellant Spreitz] [USSC #97-7560] [rs]
37. 30-Mar-1998 USSC Notice dated 03/23/98 - Petition for Writ of Certiorari denied. [USSC #97-7560] [rs]
38. 30-Sep-1999 Upon the Court's own Motion, ORDERED: that Sean Bruner is appointed to represent Christopher John Spreitz in post-conviction proceedings pursuant to A.R.S. Sec. 13-4041 and Rule 6.8(c), Ariz. R. Crim. P. FURTHER ORDERED: that counsel shall be compensated at the rate of \$100.00 per hour plus reasonable costs incurred in the representation. If counsel's work hours are over two hundred hours, the superior court shall review and approve additional reasonable fees and costs pursuant to A.R.S. Sec. 13-4041(H). Counsel shall direct request for the appointment of investigators and experts to the superior court pursuant to A.R.S. Sec. 13- 4013(B) and Sec. 13-4041(J). [Zlaket] [rs]
39. 22-Oct-1999 MANDATE (Affirming the judgment of convictions and sentences including the sentence of death)  
Issued Mandate and copy of Opinion to trial court, along with Exhibits [rs]
40. 22-Oct-1999 Exhibits returned to PC: 9 manila envs (Lists; Env #1 [Def Exh Nos A-Z]; Env #2 [Def Exh Nos AA-AZ] Env #3 [Def Exh Nos BA-BQ]; Env #4 [Def BR-BZ, CA-CZ]; Env #5 [Def Exh Nos DA-DR, DR-1, DS, DS-a, DT-DZ]; Env #6 [Def Exh Nos EA-EV]; Env #7 [Pltf Exh Nos 9-17, 23-35, 48-50, 55-101, 103-108, 110-113, 124(cassette tape), 148-159]; Env #8 [Def Exh No A]; Env #9 [Def Exh Nos A, E & H]; 1 Red/White Box [Pltf Exh Nos 1-21, 23-81, 84-107, 112, 112A, 113-114, 129-230]) [rs]
41. 22-Oct-1999 Notice for Post-Conviction Relief sent to Patricia A. Noland, Clerk, PCSC [rs]
42. 12-Jan-2000 ME - 1 2-page volume, entry dated January 7, 2000 re: Rule 32 Proceedings. [cez]
43. 21-Feb-2002 Request for Execution Warrant [Appellee State] [dm]
44. 23-Apr-2002 ORDERED: Request for Execution Warrant = GRANTED. [db]
45. 24-Apr-2002 WARRANT OF EXECUTION - Execution set for Wednesday, June 5, 2002. [kab]  
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46. 29-Apr-2002 TELEPHONIC NOTIFICATION by USDC: Stay of Execution pending HC [CV-02-121-TUC-SMM] Faxed copy of Stay of Execution received 4/29/2002 [McNamee, USDC] [Certified copy of Order for Stay of Execution received 4/30/2002] [kab]
47. 19-Nov-2003 FILED: Copy of USDC Order dated 11/18/2003 - Directing transmittal of certified copy of Petitioner's entire state court record (Arizona Supreme Court No. CR-94-0454-AP, Pima County Superior Court No. CR-27745, and any related Rule 32 proceedings) excluding trial exhibits to the United States District Court, Tucson. [Jorgenson, Judge, USDC] [kab]
48. 1-Dec-2003 Pursuant to the United States District Court for the District of Arizona's order dated November 18, 2003, ORDERED: releasing to the Clerk of the United States District Court for the District of Arizona, certified copies of the Arizona Supreme Court record(s) on file and docketed in the matter of CHRISTOPHER JOHN SPREITZ, including copies of Appellant's Opening Brief, Appellee's Answering Brief and Appellant's Reply Brief. FURTHER ORDERED: releasing the following Pima County Superior Court Record in the possession of the Arizona Supreme Court in the above-entitled matter to the Clerk of the United States District Court for the District of Arizona, Tucson, Arizona, in CV-02-121-TUC-CKJ, for use in relation to the Petition for Habeas Corpus, filed in that Court: Pima County Superior Court No. 27745: Supreme Court No. CR-94-0454-AP (Direct Appeal) Instruments and Minute Entries: 13 vols (combined) Supplemental Record Index filed March 7, 1995 Reporters' Transcripts: 104 vols Presentence Report Supreme Court No. CR-00-0569-PC (Post-Conviction Petition for Review) Instruments and Minute Entries: 4 vols (combined) FURTHER ORDERED: that the Arizona Supreme Court record be returned to this Court upon completion of the Petition for Writ Habeas Corpus matter in the federal courts. [McGregor, Vice Chief Justice] [kab]
49. 1-Dec-2003 CERTIFICATION of Record to USDC [kab]
50. 14-May-2009 FILED: [Copy of] USDC Memorandum of Decision and Order Dated 5/11/2009: Petitioner's Amended Petition for Writ of Habeas Corpus Denied; Stay of execution entered 4/29/2002 is vacated; Certificate of Appealability Granted for the following issues: Claims 1, 4.1-A, 4.2-B, 4.2-C, 4.2-D, and 4.2-E [John M. Roll, Chief Judge, USDC]
51. 19-Aug-2020 FILED: Motion to Conduct New Independent Review of Death Sentence; Certificate of Service (Appellee State)
52. 20-Aug-2020 FILED: (Copy of) Order (Filed in USDC on 08/18/2020 Case 4:02-cv-00121-JAS)

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53. 24-Aug-2020 FILED: Notice of Appearance (Attorneys David J. Euchner and Erin K. Sutherland will be counsel of record); Certificate of Service (Appellant Spreitz)
54. 24-Aug-2020 FILED: (Copy of) Order Appointing Counsel (Filed in PCSC on 08/21/2020) (Appellant Spreitz)
55. 25-Aug-2020 FILED: Motion for Extension of Time for Filing Response to State's Motion to Conduct New Independent Review of Death Sentence; Certificate of Service (Appellant Spreitz)
56. 26-Aug-2020 A "Motion for Extension of Time for Filing Response to State's Motion to Conduct New Independent Review of Death Sentence" (Appellant Spreitz) having been filed on August 25, 2020,
- IT IS ORDERED granting an extension of time to file the response to the motion on or before September 30, 2020. (Janet Johnson, Clerk)
57. 14-Sep-2020 Record Returned from United States District Court:
- Arizona Supreme Court No. CR-94-0454-AP  
Pima County Superior Court No. CR-27745
- 107 (Original) Reporter's Transcripts:
- (SEALED) - Grand Jury Transcript - June 22, 1989
- June 12, 1989; June 30, 1989; August 30, 1989; August 8, 1989; August 10, 1989; October 16, 1989; December 11, 1989; January 3, 1990; January 24, 1990; January 25, 1990; March 6, 1990; March 7, 1990; March 27, 1990; April 2, 1990; April 16, 1990; May 4, 1990; May 24, 1990; July 2, 1990; July 30, 1990; August 1, 1990; Setepmber 10, 1990; September 11, 1990; September 17, 1990; November 5, 1990; November 13, 1990; November 26, 1990; December 3, 1990; January 7, 1991; January 14, 1991; April 1, 1991 (ASC Filed February 3, 1995); April 1, 1991 (ASC Filed February 7, 1995); April 23, 1991; May 2, 1991; May 7, 1991; May 16, 1991; May 28, 1991; June 3, 1991; June 14, 1991; July 29, 1991; August 12, 1991; September 9, 1991; September 11, 1991; November 7, 1991; November 12, 1991; November 13, 1991; November 14, 1991; November 15, 1991; December 3, 1991; December 4, 1991; December 5, 1991; December 17, 1991; December 18, 1991; January 13, 1992; January 20, 1992; April 6, 1992; June 22, 1992; July 13, 1992; August 14, 1992; September 14, 1992; November 5, 1992; November 9, 1992; November 16, 1992; November 19, 1992; January 15, 1993; January 26, 1993; January 27, 1993; January 28, 1993; February 17, 1993; March 3, 1993; March 19, 1993; April 19, 1993; April 20, 1993 (ASC Filed February 6, 1993); April 20, 1993 (ASC Filed February 9, 1995); April 21, 1993 (ASC Filed February 9, 1995); April 21, 1993 (ASC Filed February 6, 1995); April 22, 1993 (ASC Filed February 9, 1995); April 22, 1995 (ASC Filed February 6, 1995); April 23, 1995 (ASC Filed February 6, 1995); April 23, 1995 (ASC Filed February 9, 1995); April 28, 1993 (ASC Filed February 9, 1995); April 28, 1993 (ASC Filed February 6, 1995); April 29, 1993 (ASC Filed February 6, 1995); April 29, 1993 (ASC Filed February 9, 1995); June 1, 1993; June 2, 1993 (ASC Filed February 6, 1995); June 2, 1993 (ASC Filed February 9, 1995); June 3, 1993 (ASC Filed February 6, 1995); June 3, 1993 (ASC Filed February 9, 1995); August 23, 1993; October; 4, 1993; April 27, 1994; June 3, 1994; June 15, 1994; June 28, 1994; July 6, 1994; August 9, 1994; August 10, 1994; August 11, 1994; August 12, 1994; August 16, 1994; August 17, 1994; August 18, 1994; November 21, 1994; November 28, 1994; December 21, 1994; January 3, 1995
- 1 Hard Copy Clerk's Supplemental Certificate of Record on Appeal (blue backed)
- 1 Hard Copy ASC File Backer
- 1 Hard Copy Appellant's Opening Brief; Appellee's Answering Brief; Appellant's Reply Brief
- 13 volumes of trial pleadings, minutes & orders (blue backed)
- 1 manila envelope containing Presentence Report - Parts One and Two
- Arizona Supreme Court No. CR-00-0569-PC  
Pima County Superior Court No. CR-27745
- 1 Hard Copy ASC File Backer
- 4 Volumes of PCR pleadings, minutes & orders (blue backed)
- 1 Hard Copy PCSC Appendix to Petition for Review to the Arizona Supreme Court
- Hard Copy Petitioner's Supplemental Brief; Petitioner's Second Supplemental Brief
58. 30-Sep-2020 FILED: Appendix (Volume 2) to Response to State's Motion to Conduct New Independent Review of Death Sentence; Motion to Remand to Superior Court for Resentencing or for Evidentiary Hearing; Certificate of Service (Appellant Spreitz)
59. 30-Sep-2020 FILED: Response to State's Motion to Conduct New Independent Review of Death Sentence; Motion to Remand to Superior Court for Resentencing or for Evidentiary Hearing; Certificate of Service (Appellant Spreitz)

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60. 30-Sep-2020 FILED: Appendix (Volume 1) to Response to State's Motion to Conduct New Independent Review of Death Sentence; Motion to Remand to Superior Court for Resentencing or for Evidentiary Hearing; Certificate of Service (Appellant Spreitz)
61. 2-Oct-2020 FILED: Unopposed Motion for Extension of Time to File Combined 1) Reply to Response to State's Motion to Conduct Independent Review of Death Sentence and 2) Response to Spreitz's Motion to Remand to Superior Court for Resentencing or Evidentiary Hearing; Certificate of Service (Appellee State)
62. 2-Oct-2020 An "Unopposed Motion for Extension of Time to File Combined 1) Reply to Response to State's Motion to Conduct Independent Review of Death Sentence and 2) Response to Spreitz's Motion to Remand to Superior Court for Resentencing or Evidentiary Hearing" (Appellee State) having been filed on October 2, 2020,  
  
IT IS ORDERED granting an extension of time to file the reply and response on or before November 12, 2020. (Janet Johnson, Clerk)
63. 12-Nov-2020 FILED: Combined Reply to Response to Motion to Conduct New Independent Review of Death Sentence and Response to Motion to Remand to Superior Court for Resentencing or for Evidentiary Hearing; Certificate of Service (Appellee State)
64. 16-Nov-2020 FILED: (Second) Motion for Procedural Order: Motion for Extension of Time for Filing Reply on Motion to Remand to Superior Court for Resentencing or for Evidentiary Hearing; Certificate of Service (Appellant Spreitz)
65. 18-Nov-2020 Appellant Spreitz filed a "(Second) Motion for Procedural Order: Motion for Extension of Time for Filing Reply on Motion to Remand to Superior Court for Resentencing or for Evidentiary Hearing" on November 16, 2020. Upon consideration,  
  
IT IS ORDERED granting a second extension of time to file a reply to Appellee's motion to remand to superior court. The reply shall be filed on or before November 24, 2020. (Janet Johnson, Clerk)
66. 23-Nov-2020 FILED: Reply on Motion to Remand to Superior Court for Resentencing or for Evidentiary Hearing; Certificate of Service (Appellant Spreitz)
67. 5-Jan-2021 Upon considering the Motion to Conduct New Independent Review of Death Sentence, Motion to Remand to Superior Court for Resentencing or for Evidentiary Hearing, Responses, and Replies,  
  
IT IS ORDERED that the Motion to Conduct New Independent Review of Death Sentence is granted. The parties shall brief the following issue regarding the death sentence: Whether the mitigation proffered at sentencing is sufficiently substantial to warrant leniency in light of the existing aggravation.  
  
IT IS FURTHER ORDERED that the Motion to Remand to Superior Court for Resentencing or for Evidentiary Hearing is denied.  
  
IT IS FURTHER ORDERED that Christopher Spreitz's opening brief shall be filed no later than April 5, 2021. The State's answering brief shall be filed no later than sixty days after service of the opening brief. The reply brief shall be filed no later than thirty days after service of the answering brief.  
  
IT IS FURTHER ORDERED that the form and content of the briefs shall comply with Rules 31.10, 31.11, and 31.12, Ariz. R. Crim. P. The length of the principle briefs shall not exceed 14,000 words and the length of the reply brief shall not exceed 7,000 words. (Hon. Robert Brutinel)
68. 11-Mar-2021 FILED: Motion for Procedural Order: Motion for Extension of Time for Filing Opening Brief; Certificate of Service (Appellant Spreitz)
69. 12-Mar-2021 A "Motion for Procedural Order: Motion for Extension of Time for Filing Opening Brief" (Appellant Spreitz) having been filed on March 11, 2021,  
  
IT IS ORDERED granting an extension of time to file the opening brief. The opening brief is due on or before July 6, 2021. (Janet Johnson, Clerk)
70. 16-Jun-2021 FILED: Motion for Procedural Order: Motion for Extension of Time for Filing Opening Brief; Certificate of Service (Appellant)
71. 16-Jun-2021 A second "Motion for Procedural Order: Motion for Extension of Time for Filing Opening Brief" (Appellant Spreitz) having been filed on June 16, 2021,  
  
IT IS ORDERED granting a second extension of time to file the opening brief. The opening brief is due on or before October 4, 2021. (Tracie K. Lindeman, Clerk)
72. 8-Sep-2021 FILED: Notice of Appearance; Certificate of Service (Appellee State)

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73. 9-Sep-2021 FILED: (Third) Motion for Procedural Order: Motion for Extension of Time for Filing Opening Brief; Certificate of Service (Appellant Spreitz)
74. 10-Sep-2021 Appellant Spreitz has filed a third "Motion for Procedural Order: Motion for Extension of Time for Filing Opening Brief" on September 10, 2021. The motion states that the State has no objection to the extension.
- The Court's original order for briefing was issued on January 5, 2021 and set April 5, 2021 as the due date for the opening brief. Appellant has received two extensions due to deadlines in counsel's other cases. The current motion asks for an extension until January 3, 2022 to file the opening brief. Counsel again cites deadlines in their other cases and adds that they have taken on additional responsibilities due to attorney staffing shortages in Pima County. The Court understands counsel's challenges in meeting deadlines, which is why it has extended the deadline twice previously. But this appeal must progress. Thus, any future requests will be closely scrutinized. Therefore,
- IT IS ORDERED granting the motion. Appellant's opening brief shall be filed no later than January 3, 2022.
- IT IS FURTHER ORDERED that no further extensions shall be granted unless Appellant shows that extraordinary circumstances exist. (Hon. Ann A. Scott Timmer)
75. 5-Nov-2021 FILED: Notice of Withdrawal; Certificate of Service (Appellee State)
76. 8-Dec-2021 FILED: (Fourth) Motion for Procedural Order: Motion for Extension of Time for Filing Opening Brief; Certificate of Service (Appellant Spreitz)
77. 10-Dec-2021 Appellant Spreitz has filed a fourth "Motion for Procedural Order: Motion for Extension of Time for Filing Opening Brief" on December 8, 2021. The motion states that the State takes no position on the requested extension.
- The Court's original order for briefing was issued on January 5, 2021 and set April 5, 2021 as the due date for the opening brief. Appellant has received three extensions due to deadlines in counsel's other cases and that they have taken on additional responsibilities due to attorney staffing shortages in Pima County.
- The current motion asks for an extension of 45 days, until February 17, 2022 to file the opening brief. Counsel again cites deadlines in their other cases and adds that counsel have stopped taking new trial-level cases, but both still have some trial-level cases, one counsel was unexpectedly out of the office for two weeks in November, counsels have attended or are attending and/or presenting at several continuing education conferences, and counsel has ongoing significant administrative responsibilities.
- The Court understands the challenges in meeting deadlines and the practical demand of managing a caseload, which is why it has previously extended the deadline three times. Nevertheless, in light of the multiple extensions received already and the amount of time that has passed, counsel is warned the opening brief must be filed, and this case must proceed.
- IT IS ORDERED granting the fourth extension to file the opening brief and the Pima County Public Defender's Office shall file Appellant's opening brief no later than January 31, 2022.
- IT IS FURTHER ORDERED the Pima County Public Defender shall devote sufficient personnel and resources to this matter to ensure that the opening brief is filed by January 31, 2022, including, if necessary, requiring Deputy Public Defender David Euchner and Deputy Public Defender Erin Sutherland to work only on the brief until it is filed. Failure to file the opening brief by January 31, 2022, will result in a hearing for the Pima County Public Defender to show cause why sanctions should not be imposed. (Hon William G. Montgomery)
78. 31-Jan-2022 FILED: [STRICKEN Per ASC Order Filed 2/16/22] Appellant's Opening Brief; Certificate of Service; Certificate of Compliance (Appellant Spreitz)
79. 31-Jan-2022 FILED: Motion for Leave to Exceed Word Limit; Certificate of Service (Appellant Spreitz)
80. 14-Feb-2022 FILED: Response to Motion to Exceed Word Limit; Certificate of Service (Appellee State)
81. 15-Feb-2022 FILED: Reply on Motion to Exceed Word Limit; Certificate of Service (Appellant Spreitz)

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82. 16-Feb-2022 Appellant Spreitz has filed a Motion for Leave to Exceed Word Limit in conjunction with the filing of his opening brief on January 31, 2022. The State filed a response to the motion on February 14, 2022. Appellant filed a reply to the motion on February 15, 2022.
- On January 5, 2021, the Court granted the Motion to Conduct New Independent Review of Death Sentence and ordered that the parties brief the limited issue regarding the death sentence: Whether the mitigation proffered at sentencing is sufficiently substantial to warrant leniency in light of the existing aggravation.
- The Court further ordered that Appellant's opening brief and the State's response brief "shall not exceed 14,000 words" and the Appellant's reply brief "shall not exceed 7,000 words." In the thirteen months since the Court's original briefing order Appellant has requested and received four extensions of the Court's original April 5, 2021 deadline for Appellant's opening brief.
- Appellant has now filed an opening brief more than double the 14,000-word limit set by the Court. In his January 31, 2022 motion for leave to exceed page limit, Appellant, for the first time, requests to exceed the Court's word limit and presents seven separate arguments why a brief double the Court's word limit is warranted in the case.
- Upon review and consideration of the Court,
- IT IS ORDERED that Appellant's Motion for Leave to Exceed Word Limit, to the extent it requests that the Court accept Appellant's opening brief filed on January 31, 2022, is denied.
- IT IS FURTHER ORDERED that Appellant's opening brief filed on January 31, 2022 is stricken from the record.
- IT IS FURTHER ORDERED that Appellant's Motion for Leave to Exceed Word Limit, to the extent it requests that the Court expand the word limit, based on the specific circumstances in this matter, is granted in part. Appellant shall file an opening brief that shall not exceed 22,000 words on or before March 9, 2022. No further extensions shall be granted absent extraordinary circumstances.
- IT IS FURTHER ORDERED that the State's answering brief shall not exceed 22,000 words and shall be filed no later than sixty days after service of the opening brief. The reply brief shall not exceed 11,000 words and shall be filed no later than thirty days after service of the answering brief.
- No further expansion of the word limits ordered herein will be granted in this matter.
- Justice Lopez and Justice Beene are recused on this matter and did not participate in the determination of Appellant's motion. (Hon. Ann A. Scott Timmer)
83. 9-Mar-2022 FILED: Appellant's Opening Brief; Certificate of Service; Certificate of Compliance (Appellant Spreitz)
84. 2-May-2022 FILED: Unopposed Motion for Procedural Order (Extension for Appellee's Answering Brief; Certificate of Service (Appellee State)
85. 4-May-2022 An "Unopposed Motion for Procedural Order (Extension for Appellee's Answering Brief)" (Appellee State) having been filed on May 2, 2022,
- IT IS ORDERED granting a first extension of time to file an answering brief. The answering brief is due on or before June 23, 2022. (Tracie K. Lindeman Clerk)
86. 16-May-2022 Envelope Returned Marked Not Deliverable as Addressed (Sent back to Meadows Unit)
87. 16-Jun-2022 FILED: Unopposed Motion for Procedural Order (Extension for Appellee's Answering Brief); Certificate of Service (Appellee State)
88. 17-Jun-2022 An "Unopposed Motion for Procedural Order (Extension for Appellee's Answering Brief)" having been filed on June 16, 2022,
- IT IS ORDERED granting a second extension of time to file the answering brief on or before July 25, 2022. No further extensions of time shall be granted absent extraordinary circumstances. (Tracie K. Lindeman, Clerk)
89. 20-Jul-2022 FILED: Appellee's Answering Brief; Certificate of Service; Certificate of Compliance; Appendix A Confession Transcript (Appellee State)

**Arizona Supreme Court**  
**Criminal Death Penalty Appeal**

**CR-94-0454-AP**

**STATE OF ARIZONA v CHRISTOPHER JOHN SPREITZ**

**100 PROCEEDING ENTRIES**

90. 25-Jul-2022 On the Court's own motion,
- IT IS ORDERED that no later than August 24, 2022, the Clerk of the Pima County Superior Court shall transmit to this Court all exhibits listed on the Exhibit List ("Aggravation/Mitigation") dated November 28, 1994 (filed November 29, 1994) in State v. Christopher Spreitz, CR-27745.
- IT IS FURTHER ORDERED that no later than August 24, 2022, the Clerk of the Pima County Superior Court shall transmit to this Court all admitted exhibits on the Exhibit List ("Jury Trial") dated August 10, 1994 (filed August 19, 1994) in State v. Christopher Spreitz, CR-27745. (Hon. William G. Montgomery)
91. 1-Aug-2022 FILED: Motion for Procedural Order: Motion for Extension of Time for Filing Reply Brief; Certificate of Service (Appellant Spreitz)
92. 2-Aug-2022 Appellant, Christopher Spreitz, filed a "Motion for Procedural Order: Motion for Extension of Time for Filing Reply Brief" on August 1, 2022.
- IT IS ORDERED granting this first extension of time to file the reply brief on or before September 19, 2022. No further extensions of time shall be granted absent extraordinary circumstances. (Tracie K. Lindeman Clerk)
93. 4-Aug-2022 FILED: Record From PCSC
- One Box Containing:
- EXHIBITS A - Manila Env - 10/24/94 Report From Todd Flynn  
EXHIBITS: 9-17; 23-35; 48-51(a); 55-101; 103-108; 110-113; 118-122; 124 (Tape); 148-160
94. 19-Sep-2022 FILED: Appellant's Reply Brief; Certificate of Service; Certificate of Compliance (Appellant Spreitz)
95. 28-Sep-2022 FILED: Request for Oral Argument; Certificate of Service (Appellant Spreitz)
96. 5-Oct-2022 On September 28, 2022, Appellant Spreitz filed a Request for Oral Argument on the new independent review of the death sentence before the Court. Upon consideration, and GOOD CAUSE APPEARING,
- IT IS ORDERED that Appellee State shall file a Response to Appellant's request for oral argument, pursuant to Ariz. R. Crim. P. 31.6(e) and ARCAP 6(a)(2) and (3), on or before October 21, 2022. Appellant may file a reply, pursuant to Ariz. R. Crim. P. 31.6(e) and ARCAP 6(a)(2) and (3), on or before November 4, 2022.
- IT IS FURTHER ORDERED that upon filing of Appellant's reply, or expiration of the above deadline for Appellant to file a reply, the Court will conference the request and issue an appropriate order in due course. (Hon. Clint Bolick)
97. 19-Oct-2022 FILED: Response to Request for Oral Argument; Certificate of Service (Appellee State)
98. 4-Nov-2022 FILED: Reply to Request for Oral Argument; Certificate of Service (Appellant Spreitz)
99. 2-May-2023 ORDERED: Request for Oral Argument = DENIED.
- Justice Lopez and Justice Beene did not participate in the determination of this matter.
100. 6-Sep-2023 FILED: Notice of Substitution of Counsel [Andrew Dysart Attorney of Record]; Certificate of Service (Appellee State)